REMARKS

In view of the foregoing amendments and the following remarks, allowance of this case is earnestly solicited.

Claims 1-21, 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are currently pending and Claims 22-122, 129-135, 141-143, 163-164, 171, 184-185 and 191-192 were previously canceled in the application. Claims 165 and 186 have been amended and no claims have been added or canceled by the present amendment. The changes to the claims are supported by the originally filed specification and do not introduce any new matter. Claim 165 has been amended to change "remote user" to -- remote station --. Support for this change can be found at, for example, Figure 1; Column 5, line 42 to Column 6, line 5; Column 11, lines 15-42; and Column 12, line 33 to Column 13, line 45. Claim 186 has been amended to include "a video interface to receive information indicative of the video signals from the network via the network access drive". Support for this change can be found at, for example, Figure 1; Column 5, lines 42-58; Column 11, lines 15-42; Column 13, lines 46-58; and Column 26, lines 15-31.

Claims 1-21 have been allowed.

Applicants also submit the Declaration of Joseph C. McAlexander III under 37 C.F.R. § 1.132 as further support for applicants' response to the written description rejections.

I.   WRITTEN DESCRIPTION REJECTIONS

Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are rejected

under 35 U.S.C. 112, first paragraph, as failing to comply with the written description

requirement.

The written description requirement is satisfied when the specification conveys, with

reasonable clarity, to those skilled in the art, that, as of the filing date, the applicant was in

possession of the claimed subject matter. *New Railhead Mfg., L.L.C. v. Vermeer Mfg. Co.*, 298

F.3d 1290, 1295 (Fed. Cir. 2002); *In re Alton*, 76 F.3d 1168, 1172 (Fed. Cir. 1996). "How the

specification accomplishes this is not material." *Alton*, 76 F.3d at 1172. The specification does

not need to set forth the "minutiae of descriptions or procedures perfectly obvious to one of

ordinary skill in the art." *In re Eltgroth*, 419 F.2d 918, 921 (CCPA 1970).

Importantly, the Federal Circuit has repeatedly held that the exact words used in the

claim do not have to appear in the specification in order to satisfy the written description

requirement. *University of Rochester v. G.D. Searle & Co., Inc.*, 358 F.3d 916, 922-23 (Fed. Cir.

2004) ("this court and its predecessor have repeatedly held that claimed subject matter 'need not

be described *in haec verba*' in the specification to satisfy the written description requirement.");

Cordis Corp. v. Medtronic Ave, Inc., 339 F.3d 1352, 1364 (Fed. Cir. 2003) ("The disclosure as

originally filed does not, however, have to provide *in haec verba* support for the claimed subject

matter at issue."); *All Dental Prodx, LLC v. Advantage Dental Product, Inc.*, 309 F.3d 774, 779

(Fed. Cir. 2002) ("In order to comply with the written description requirement, the specification

'need not describe the claimed subject matter in exactly the same terms as used in the claims; it

must simply indicate to persons skilled in the art that as of the [filing] date the applicant had

invented what is now claimed'") (*quoting Eiselstein v. Frank*, 52 F.3d 1035, 1038 (Fed. cir.

1995). In fact, "the failure of the specification to specifically mention a limitation that later

appears in the claims is not a fatal one when one skilled in the art would recognize upon reading

the specification that the new language reflects what the specification shows has been invented."

All Dental, 309 F.3d at 779.

In the present case, the written description rejections appear to have been made because

the exact words used in the claims do not appear in the specification. But as demonstrated by the

cases cited above (and many other cases), this is not the test for compliance with the written

description. Thus, applicants respectfully traverse each of the written description rejections.

A.   Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-210 Satisfy the Written Description Requirement

The following paragraphs provide written description support for each of the elements

and limitations identified in the Office Action as failing to comply with the written description

requirement.

Claim 123: "operation of the remote input device in response to the menu of the pop-up screen causes the remote site to terminate the first connection and to establish a second connection."

The Office Action states that "[t]he specification discloses the pop up menu but does not

disclose pop-up screen causes the remote site to terminate the first connection and to establish a

second connection." But this misapprehends the limitation that is the subject of the rejection.

The claim states that "operation of the remote input device" in response to the menu causes the

termination of the first connection and establishment of the second connection. This is different

from the menu causing the termination and establishment of connections. Written description

support for this limitation appears, for example, at cols. 49:64-50:2; 44:22-29; 44:1-2; and Figs.

1 and 7. These passages and associated figures show how a menu prompts a user to switch to a

new host site by, inter alia, terminating the first connection to the first host site and establishing a

second connection to a second host site.

Claim 136: "a remote access facility"

Written description support for this limitation appears, for example, at cols. 11:34-37;

12:40-53; 12:54-13:4; and Fig. 1. The cited portions of the specification describe how the

remote access facility can be, for example, a combination of hardware and software.

Claim 136: "non-dedicated" channel

Written description support for this limitation appears, for example, at cols. 6:6-14; 6:26-

37; 6:54-57; 10:34-40; 11:34-37 and Fig. 1. The cited portions of the specification describe a

dedicated channel as one that is capable of only carrying data between a Remote PC and a Host

Unit. The specification gives preferred examples of non-dedicated channels such as telephone

lines or any other communications network.

Claims 157 and 160: a "reset operation"

Written description support for this limitation appears, for example, at cols. 6:66-7:2;

10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The cited

portions of the specification describe, inter alia, a preferred implementation of a reset operation

as one in which the AC power is interrupted to a Host PC causing the Host PC to perform a cold boot.

Claims 157 and 160: a "reset command"

Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The specification describes how the selection of a menu option causes a command to be received by a Host Unit, which in turn interrupts AC power to a Host PC.

Claim 165: "packetize"

Written description support for this limitation appears, for example, at cols. 17:12-19; 17:53-56; 26:15-45; 32:60-33:8; 53:52-54:35; 55:7-31; and Fig. 8. These passages, and the associated figures, describe, *inter alia*, how analog video signals which have been digitized are sent as packets to the remote PC.

Claim 169: "target" computer

Claim 169 recites "[a] system for controlling a target computer from a remote workstation of the type that includes a remote keyboard, a mouse, and a monitor, . . ." Thus, the context of the claim itself makes it clear that the "target" computer is one of the various Host PCs disclosed throughout the specification as part of the preferred embodiments. Figure 1 shows this arrangement graphically. The remote workstation corresponds to components at the remote site of Figure 1. One of the principle purposes of the present application is the ability to control a computer from a remote workstation. Thus, referring to the embodiment shown in Figure 1, the "target" computer would be one of the Host PCs 10, 16 or 20.

Claim 169: "video digitizer"

Written description support for this limitation appears, for example, at cols. 12:54-13:4;

13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The

specification explains how circuitry in the Host Unit can convert analog video signals to

digitized video signals/information.

Claim 177: "video digitizer"

Written description support for this limitation appears, for example, at cols. 12:54-13:4;

13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The

specification explains how circuitry in the Host Unit can convert analog video signals to

digitized video signals/information.

Claim 177: "synchronize detect circuit"

Written description support for this limitation appears, for example, at cols. 23:1-10;

29:57-30:17 and Figs. 4A and 4P. This circuitry detects vertical and horizontal synchronize

signals from an analog video signal.

Claim 177: "clocking rate"

Written description support for this limitation appears, for example, at cols. 22:15-30;

22:56-61; 29:28-56; 40:9-43:67; and Figs. 4A, 4O, and 6. These passages describe how, in a

preferred embodiment, the Video CPU corresponds to the microprocessor that determines a

clocking rate used to sample the analog video signals. The Figure 4O circuitry corresponds to

one embodiment of the clock signal generator that produces a clock signal.

Claim 177: "converter"

Written description support for this limitation appears, for example, at cols. 12:54-13:4;
13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The
specification explains how circuitry in the Host Unit can convert analog video signals to
digitized video signals/information.

Claim 186: "network access device"

In part, claim 186 recites a system in which a "network access device" interfaces with a
network that includes a plurality of computer processors and a selected computer. The selected
computer is a computer that will receive keyboard signals and generate video signals. The
selected computer is one that is listed on a menu of a video monitor associated with the keyboard
signals. Thus, the full context of claim 186 makes it clear that a preferred implementation of the
"network access device" is a Host Unit 8. Written description support for this limitation appears,
for example, at cols. 5:67-6:2; 6:15-19; 6:26-37; 7:42-47; 11:43-50; 44:22-29; 49:58-50:14; and
Fig. 1.

Claim 193: "hardware host unit"

In part, claim 193 recites a "hardware host unit" coupled to a host computer that is
different from the hardware host unit. In one of the preferred embodiments, this hardware host
unit is Host Unit 8, 13, or 18. Each such Host Unit is a hardware host unit that is coupled to a
host computer (*i.e.*, Host PC 10, 16, or 20, respectively). Written description support for this
limitation appears, for example, at cols.5:17-23; 5:42-58; and Fig. 1.

Claim 193: "remote computer software utility"

In part, claim 193 recites a "remote computer software utility" located at a remote site

computer. In one preferred embodiment, this software utility corresponds to a set of software

operating on a Remote PC 2. Written description support for this limitation appears, for

example, at cols. 5:17-23; 6:6-14; 6:54-57; 7:7-9; 44:12-29; and Figs. 1 and 7A.

Claim 194: "converter"

Written description support for this limitation appears, for example, at cols. 12:54-13:4;

13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The

specification explains how circuitry in the Host Unit can convert analog video signals to

digitized video signals/information.

Claim 204: video raster signal "independently"

In part, claim 204 recites a method step of converting a video raster signal into a digital

signal, where the converting step occurs "independently" of the data processing device that

generated the video raster signal. In a preferred embodiment described in the specification, the

Host Unit 8, 13, and 18 perform such a conversion step independently of the Host PCs 10, 16,

and 20. Written description support for this limitation appears, for example, at cols. 12:54-13:4;

13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K.

B.   **In an Unrelated Patent Application, The U.S. Patent Office Has Taken the
       Official Position That Claims 211-246 Satisfy the Written Description
       Requirement**

Claims 211-246 were formerly pending in U.S. Patent Application No. 09/401,501 as

claims 11, 13-41, 43, 44, and 48-51. The '501 application is owned by the same assignee as the

present application. During prosecution of the '501 application, claims 11, 13-41, 43, 44, and

48-51 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,732,212, which is the basis of the present reissue application. Thus, in the '501 application, the U.S. Patent Office has taken the official position that claims 11, 13-41, 43, 44, and 48-51 of the '501 application (*i.e.*, claims 211-246 of the present application) are fully-disclosed and enabled by the present application, and thus, satisfy the written description requirement. Accordingly, claims 211-246 have been presented in this application for examination.

If the Patent Office was correct when it examined the '501 application, then claims 211-246 belong in this application and the written description rejections should be withdrawn. But the present applicants need not denigrate either of the two applications until the Patent Office finally resolves the issue of where these claims belong. Thus, in the present reissue application, applicants intend to put forward the contentions made by the Patent Office in the '501 application. To that end, the following identifies the written description support in the present application that was relied upon by the Patent Office in rejecting the claims in the '501 application.

For ease of reference, a copy of the December 24, 2002 Office Action in the '501 application is attached to the present Amendment as Exhibit 1. Exhibit 2 (attached hereto) is a copy of the '501 application as filed which shows the pendency of claims 11, 13-20, 22-41, 43, 44, and 48-51 in that application. Exhibit 3 (attached hereto) is a copy of an Amendment dated October 10, 2002 from the '501 application prosecution history. This Amendment shows language of claim 21 when it was rejected by the Patent Office in the '501 application.

Claim 211: a "remote access engine"

In the '501 application, it appears that the Examiner relied upon the following portions of

the present application as support for this element/limitation: cols. 1:25-64; 2:5-3:20; 5:23-30;

6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 211: a "field programmable gate array"

In the '501 application, it appears that the Examiner relied upon the following portions of

the present application as support for this element/limitation: cols. 20:19-31; and 22:15-24.

Claim 211: "video sync processing"

In the '501 application, it appears that the Examiner relied upon the following portions of

the present application as support for this element/limitation: Fig. 4E.

Claim 212: a "standard remote access engine"

In the '501 application, it appears that the Examiner relied upon the following portions of

the present application as support for this element/limitation: cols. 2:5-3:20; 7:16-50; 1:25-64;

5:23-30; 6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 213: a "TTL converter"

In the '501 application, it appears that the Examiner relied upon the following portions of

the present application as support for this element/limitation: col. 7:16-50.

Claim 220: a "remote access engine"

In the '501 application, it appears that the Examiner relied upon the following portions of

the present application as support for this element/limitation: cols. 1:25-64; 2:5-3:20; 5:23-30;

6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 220: "set of circuit modules"

-13-

In the '501 application, it appears that the Examiner relied upon the following portions of
the present application as support for this element/limitation: Abstract; cols.25:33-40; 26:15-31;
54:64-55:33; and 56:50-65.

Claim 222: a "remote access engine"

In the '501 application, it appears that the Examiner relied upon the following portions of
the present application as support for this element/limitation: cols. 1:25-64; 2:5-3:20; 5:23-30;
6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 227: a "converter"

In the '501 application, it appears that the Examiner relied upon the following portions of
the present application as support for this element/limitation: col. 7:16-50.

Claim 227: multiple "gate array"

In the '501 application, it appears that the Examiner relied upon the following portions of
the present application as support for this element/limitation: Video CPU 114; video processor
111; Fig. 1; cols. 20:19-31; 22:15-24; 23:17-50; 24:55-67; 34:48-35:19; and 35:33-44.

Claim 239: a "flash palette converter circuit"

In the '501 application, it appears that the Examiner relied upon the following portions of
the present application as support for this element/limitation: col. 7:50-8:15; Fig. 4A; cols.
18:42-19:20; and 29:28-55.

Claim 241: "distantly located"

Applicants cannot find an instance where the Examiner in the '501 application Office
Action cited the present application as disclosing "distantly located." However, it is believed

that "distantly located" is supported by the use of the term "remote" throughout the specification

to refer to the relationship between a Remote Site and a Host System.

Claim 241: a "switch"

In the '501 application, it appears that the Examiner relied upon the following portions of

the present application as support for this element/limitation: cols. 11:50-12:15; and 18:9-28.

Claim 243: "real time" video signals

In the '501 application, it appears that the Examiner equated "real time" video signals

with the video signal generated by a Host PC 10, 16, 20.

Claim 243: "mouse synchronizer"

In the '501 application, it appears that the Examiner relied upon the following portions of

the present application as support for this element/limitation: cols. 19:56-20:12; and Fig. 1.

Claim 246: a "mouse capture circuit"

In the '501 application, it appears that the Examiner relied upon the following portions of

the present application as support for this element/limitation: Fig. 1.

Claim 246: "mouse adjustment process"

In the '501 application, it appears that the Examiner relied upon the following portions of

the present application as support for this element/limitation: cols. 19:56-20:12; 38:25-45; 48:47-

55.

II.   INDEFINITENESS REJECTION

Claim 165 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Specifically, the limitation "the remote user" in the keyboard and mouse

limitations was rejected as having insufficient antecedent basis. This rejection is respectfully

traversed in light of the amendments to claim 165 contained in the present Amendment.

III.   SECTION 102(E) REJECTION OF CLAIMS 123-128

Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 were

rejected under 35 U.S.C. 102(e) as being anticipated by Fitzgerald et al ("Fitzgerald"), U.S.

Patent No. 5,349,675. These rejections are respectfully traversed.

With respect to claims 123-128, Fitzgerald does not teach or suggest "plural host

computer sites," or "an on-screen display process . . . ."

In the context of claim 123, a connection is established between a remote site and a first

selected host computer at a first host computer site. The claim recites plural host computer sites.

Input signals from the remote input device are transmitted to the host computer at the first host

computer site. Screen data from the host display device is transmitted to the remote display

device at the remote site. Fitzgerald only discloses one computer system 12, which, as applied in

the Office Action, allegedly corresponds to a first host computer site. *See* Fitzgerald, Figs. 1 and

2. Fitzgerald never teaches a system in which there are *multiple* computer systems that exchange

screen data and remote input device signals with a *single* remote site. This teaching is entirely

absent from Fitzgerald. Thus, claims 123-128 are not anticipated by Fitzgerald for at least this reason.

Moreover, Fitzgerald does not teach or suggest "an on-screen display process" as recited in claims 123-128. In the context of claim 123, the "on-screen display process" provides a pop-up menu identifying the host computers at the plural host sites. Operation of the remote input device in response to the pop-up screen causes the remote site to terminate a first connection with the first host computer, and to establish a second connection to a second selected host computer. Fitzgerald does not teach or suggest a pop-up menu (provided by an on-screen display process) at all. Fitzgerald certainly does not teach or suggest an operation of a remote input device in response to a pop-up menu that causes a termination of a first connection and establishment of a second connection.

In Fitzgerald, connection to computer system 12 is established by a command line input at the central computer site. Specifically, the RUNCMD command that is input at central computer 128 includes an "address_of_service_point" field which specifies the address of the service point of the recipient node. (Fitzgerald, col. 6:64-7:6). Thus, the user of central computer 128 must enter the address corresponding to the local processor console 16 as a command line item. This is how Fitzgerald establishes a connection to computer system 12 (and thus to the desired local processor console 16). *Id.* Fitzgerald does not teach or suggest any other way of establishing a connection between central computer 128 and computer system 12. Thus, Fitzgerald fails to teach or suggest any "on-screen display process" as recited in claims

123-128. Consequently, claims 123-128 are not anticipated by Fitzgerald for at least this

additional reason.

Accordingly, applicants respectfully request that the anticipation rejections of claims

123-128 be withdrawn.

IV.   SECTION 102(E) REJECTION OF CLAIMS 136-140, 144-162, 165-170, 172-183, 186-190 AND 193-246
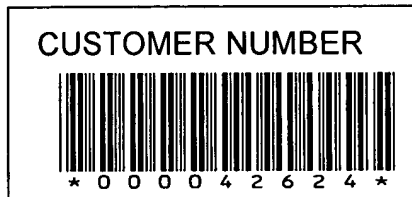
With respect to claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246, the

Office Action alleges that those claims have "similar limitations" to the limitations recited in

claims 123-128, and therefore, Fitzgerald anticipates those claims for the same reasons as set

forth for claims 123-128. To the extent that the Office Action alleges that claims 136-140, 144-

162, 165-170, 172-183, 186-190 and 193-246 have similar limitations to claims 123-128,

applicants incorporate by reference their arguments as to why Fitzgerald does not teach or

suggest those limitations. Thus, Fitzgerald does not anticipate claims 136-140, 144-162, 165-

170, 172-183, 186-190 and 193-246 for the same reasons expressed above for claims 123-128.

Accordingly, applicants respectfully request that the anticipation rejections of claims

136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 be withdrawn.

Appln. of: PERHOLTZ, Ronald J.
Serial No.:   10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

CONCLUSION

For the foregoing reasons, applicants respectfully solicit earnest and favorable

reconsideration of the application.

Respectfully submitted,

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